

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ANTHONY DAVID TEAGUE, #1976916

VS.

DIRECTOR, TDCJ-CID

§
§
§
§
§

CIVIL ACTION NO. 4:16cv814

ORDER

Petitioner filed a motion to supplement his § 2254 petition (Dkt. #14). Petitioner seeks to add additional factual support to aid his claims. To this extent, the motion is reasonable. The motion, however, also appears to request discovery of a voicemail message. Discovery is governed by Rule 6 of the *Rules Governing Section 2254 Cases in the United States District Courts*. It allows the judge, for good cause, to authorize a party to conduct discovery. The rule governing expansion of the record in § 2254 habeas corpus proceedings is Rule 7 of the *Rules Governing Section 2254 Cases in the United States District Courts*. Rule 7 specifies that if the petition is not dismissed, the judge *may* direct the parties to expand the record. The Court has not determined whether an expansion of the record or discovery will be necessary in this case. Therefore, the motion to this extent is premature.

Additionally, Respondent filed a motion for an extension of time to file its response (Dkt. #18). The Respondent has since filed its response; therefore, the motion is moot.

Accordingly, it is **ORDERED** Petitioner's motion to supplement his § 2254 petition (Dkt. #14) is **GRANTED**, in so far that it supplements his original petition with factual support, and **DENIED**, in so far that it seeks to compel discovery, subject to reconsideration. It is further **ORDERED** Respondent's motion for an extension (Dkt. #18) is **DENIED** as moot.

SIGNED this 22nd day of August, 2017.

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE